MEMOIR
OF
HON. SAMUEL HOWE

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Vol. I. Biographical Series. No. 1.

MEMOIR

OF

THE HON. SAMUEL HOWE.

WITH OTHER NOTICES.

By Rev. RUFUS ELLIS.

PUBLISHED BY THE
American Unitarian Association.

BOSTON:
WM. CROSBY AND H. P. NICHOLS,
111 Washington Street.
1850.

CAMBRIDGE:
METCALF AND COMPANY,
PRINTERS TO THE UNIVERSITY.

The sources from which the materials for the following Memoir have been derived are mainly these : — A Sketch of the Life and Character of Hon. Samuel Howe, by Rev. E. B. Hall, D. D., of Providence, R. I. ; Addresses by Chief Justice Parker, and the Justices, Williams and Strong ; and a private Memoir in manuscript, by the widow of the late Judge Howe, to which the writer was kindly permitted to refer.

MEMOIR.

It is the object of these pages to recommend a manly Christian life to young and active minds, to warm and earnest hearts, by presenting a picture of a truly wise and good man, who found great joy and much success in pursuing such a life as an end. An example is the best of arguments. No other plea can be so eloquent as that of a great moral achievement; it makes virtue real, it rescues goodness from the dream-regions of theory, and gives to truth a habitation upon our solid earth. And although the example of Christ is of infinite value, we need besides the quickening influence of lives purely human, — of lives of men wholly like ourselves, — of men who wrought no miracles, and who were joined to God only as we are joined to him. If those who shall read these pages are not quickened by the story inscribed

upon them, the fault will not lie in the life, but in the unskilfulness of him who seeks to record it.

Twenty-one years have elapsed since the Hon. Samuel Howe, one of the Justices of the Court of Common Pleas for Massachusetts, was taken from us by the hand of death. His loss was widely and deeply felt, not only by the members of the profession which he honored and adorned, but by the community at large. The sad event called forth from every quarter eloquent and affectionate tributes to his memory, in which the high sense so generally entertained of his singular worth was fitly expressed. And he has not been forgotten. The name of such a man does not soon cease from human lips. The many who knew him well, the many who were made wiser and better through his influence, still speak with unfeigned sorrow of our loss, and feel that we are all the poorer because he was taken. He did not live, neither did he die, unto himself. But the story of his life has never been put within the reach of all who might be profited by it. It has not been told to the children who have come on to the stage since he left it. The delineations of his character to be found in pamphlets, reviews, and daily journals published at the time of his death, are not likely to come into their hands, who would be

guided aright, in the day of youth, by his example, an example for the young, of all others. We who were born into the views of religious truth which he laboriously sought, and found with so much joy, have not all heard of his spiritual experience of what was to him a happy emancipation. And in a world so full of evil, goodness should be saved, like treasure, not indeed to be hoarded, but to be scattered far and wide. Let the just live in blessed remembrance.

Samuel Howe, the youngest of six children, was the son of Dr. Estes Howe, of Belchertown, Massachusetts, and was born on the 20th day of June, 1785. The maiden name of his mother was Susan Dwight. His grandfather, Samuel Howe, removed to Belchertown from Rutland, Massachusetts.

Dr. Howe was a surgeon in the army of the Revolution; he was an exceedingly laborious man in an exceedingly laborious sphere of duty, and though he did not become rich, he acquired enough for the suitable education of his children, and for his own support in the time of old age. The fruits of his labor were cheerfully bestowed upon his children, and he was especially desirous to secure for them that liberal culture, the want of which he himself sorely felt. Three months after

the birth of Samuel, Dr. Howe was called to part with his wife. She died of consumption at West Springfield, on her return from New Haven, whither she had journeyed in the hope of regaining her health. For ten years the children were motherless and the household desolate. After the expiration of this time, Dr. Howe was again married; but as the second wife was already the mother of eight children, the domestic privileges of his family were not much increased. The Doctor seems to have devoted himself, so far as urgent professional calls would admit, to the care of this youngest child, as the most dependent; but, on the whole, the days of Samuel's childhood were not sunny, and were not recalled with much satisfaction. Ten years unillumined by the sweet smile of a mother's love have not much brightness to leave upon their path.

There was another pressure, which could not have been light upon a mind like that of young Howe. We mean the want of books. It is hard for us, in our day, suffering as most of us do from the opposite evil, to realize what a want this was. The young persons who grow up in these times, especially in cities and large towns, can have but a faint idea of the slight aids and slender food with which growing and hungry

minds, in retired plaees like Belchertown, sixty years ago, were obliged to eontent themselves. There were then no institutes or lyeeums, with their eolleetions of books; no soeial, and scarcely a private, library could be found. Always passionately fond of books, keeping one by him in after life for perusal, whilst others wasted valuable minutes in fretting about inevitable delays, young Howe found in his father's dwelling only Flavel, Tillotson, Watts, and a volume of fairy tales. He repeatedly rode miles to borrow a book, and the loan of Robinson Crusoe and of The Fool of Quality from a kind friend in Amherst was always gratefully remembered.

The use whieh was made of books, when they were so hard to be obtained, may help the young student to employ them aright now that they so abound. Gibbon's adviee is, to read mueh, rather than to read many books. There is an unspeakable advantage in the thorough and oft-repeated perusal of a standard work, well seleeted for some speeifie purpose. In proeess of time, a book so read becomes almost literally our own. We eould almost construct such a one ourselves. A mind traincd with few helps may not reeeive so large and so varied a eulture as is now easily obtained; but what is wanting in variety is more than eom-

pensated in exactness, and the healthy and well-developed root secures in the end a vigorous and luxuriant growth of branches and of foliage. The appetite for intellectual food is kept very keen by the constant exercise to which the mind is subjected, and the little nourishment that can be obtained is well digested. Some of the hardiest intellects that the world has ever known have been nurtured under such circumstances.

The public school of Belchertown afforded very tolerable instruction during the winter, but in the summer it was necessary for the young student to go elsewhere. One of these summers was passed by young Howe with a private teacher at Palmer, another at the New Salem Academy, and two or three others at Deerfield, which has long enjoyed a well-endowed institution of learning. The beautiful scenery and simple village life of Deerfield made a deep impression upon him. It is indeed a sweet spot, its hospitable trees welcoming to their cool shade the weary traveller, while his eyes are refreshed by the deep, rich, outspreading meadow, here green with herbage and there golden with grain, a great park for the whole village, the pleasant stream which takes its name from the town glistening here and there through the foliage. It is a rare place indeed for the student, whether of nature or of books.

The last summer at Deerfield was filled up with very laborious study, which enabled young Howe to enter Williams College at an advanced standing. He joined the Sophomore class of that institution when sixteen years of age, carrying with him correct moral principles, a vigorous, healthy mind, and an ardent love of learning. The fondness for exact thought, by which in after life he was so much distinguished, had already appeared in his love of the mathematics. What is only a stumbling-block to so many, was for him a stepping-stone to truth. Of his college life we have only scanty memorials; and although there is abundant evidence of his character and scholarship, it would seem that much of the benefit which ought to have accrued to him from his position as a scholar was neutralized by mismanagement, to use no harsher word, on the part of the college government.

It is pleasant to find the following record of the impression made by Mr. Howe at this time upon one whose fine and well-directed gifts have secured for her a wide reputation at home and abroad. She writes, — "My acquaintance with and friendship for Mr. Howe began in my childhood. I do not think that I was more than twelve or thirteen when he first came home with my broth-

ers, and from that period I have had a uniform impression of his character, which seemed to me through life to retain the freshness of its original stamp. He was as a young man distinguished for truth, integrity, unaffectedness, and simplicity. I remember that my desire for improvement was greatly stimulated by my intercourse with him, and once, when he drove from our door, going to the book-case and taking down the first volume of a heavy history, with the earnest purpose to deserve better his esteem."

The very next week after leaving college, Mr. Howe, with characteristic promptness, entered the law office of Jabez Upham, Esq., of Brookfield. Leaving this situation at the expiration of a year, he went, in October, 1805, to Litchfield, and connected himself with the law school at that place, which then so justly attracted attention under the auspices of Chief-Justice Reeves and Judge Gould. It was a very happy step. The law school was filled with hard-working students, who maintained a high standard of scholarship, and earnestly seconded in every way the efforts of accomplished and devoted instructors. "That school," said Chief-Justice Parker, "I consider as the foundation of the improved state of education in the science of the law." Mr. Howe, in his let-

ters to his father from Litchfield, writes most enthusiastically of his advantages, and of his plans for turning them all to the best account, acknowledging, at the same time, with dutiful gratitude, his indebtedness to his kind parent for every opportunity. He writes on the 21st of June, 1806, as follows: —

"I was not so much fatigued with the journey as I expected. The horse carried me extremely well, and will, I believe, answer my purpose much better than the one I left; yet I cannot but regret the inconveniences you will suffer in consequence of it. Indeed, Sir, when I reflect upon what you have done, and the sacrifices you are every day making to increase the means of my enjoyment, to make me respectable and happy, my heart swells with gratitude, and I find myself unable to express to you what I feel upon the subject. I hope by a long course of duty to convince you that I am not guilty of the sin of ingratitude. I ought to be peculiarly grateful to you, for I devolved upon you in my infancy, and have required your continued attentions ever since. Yesterday completed my twenty-first year. On such an occasion as this what ought to be my reflections! When I look back, I see that, by parental affection and advice, I have been permitted to escape the

thousand dangers of youth. By parental assistance, I have been enabled to enjoy many of the pleasures of life, and have had an opportunity to lay a foundation for future usefulness. But, above all, I have been enabled, by your precepts and your example, to imbibe correct notions of religion and of morality; you have taught me the vanity of the pursuits of this world, in competition with an interest in our Lord and Saviour."

Intending to practise in Massachusetts, Mr. Howe could remain only a year in Connecticut; and at the expiration of this time, in the autumn of 1806, he removed to Stockbridge, and gained admission into the office, the library, and the family of Judge Sedgwick, who kindly presented him with his tuition. The last year of preparation for his profession was passed under these highly propitious circumstances, and many rich opportunities were afforded him for storing his mind with much that lay beyond the immediate circle of his pursuits. It was a season of pure and profitable pleasure.

In August of the following year, Mr. Howe was admitted to the bar. He had passed through the time of preparation with singular fidelity and success. The social habits of the day exposed young persons to great moral dangers, and in the

earlier part of his course he was brought into contact with some very bad examples; but he came out of the fiery trial unscathed, his education well begun. "I saw him," said Judge Parker, "just entering upon his professional career, ardent in the pursuit of knowledge, devotedly attached to the study of the law, and determined to make it the business of his life, as much for his love of it as a science, as for the hope of its pecuniary rewards. I was then struck with the simplicity and strength of his character, his frankness, zeal, and ardor, his kind and benevolent feelings, the manly independence of his mind; and I marked him as one of the promising young men of the profession."

Mr. Howe commenced business at Stockbridge. He had been engaged for a little more than a year to Miss Susan Tracy, daughter of General Tracy, Senator from the State of Connecticut, and the death of this gentleman at Washington having produced an unfavorable change in the circumstances of his family, an immediate marriage was decided upon.

In February of the year 1808, a removal from Stockbridge to Worthington seemed desirable, and was carried out. Worthington is one of the beautiful hill towns of Hampshire county, so situated as to enable the resident lawyer to practise in

several counties. It is still a long way off from any of our cities, and the way was longer far at that time, when the stage-coach and the saddle were the dependence of the traveller. It was a quiet place for a man of great promise to seek; but books could be conveyed there, and leisure could be secured for reading them, and a home could be established which would be all the more prized for occasional difficulties of access. Indeed, the situation afforded a fine opportunity for that continued and systematic intellectual labor which Mr. Howe so much coveted and prized. The years of his residence at Worthington were years of hard mental toil. No moment was lost. Nobody could say that he was becoming rusty. His position did not demand much effort, but his mind could not rest. The inward impulse made outward stimulus unnecessary. He read, he conversed, he reflected, and the whole family could not choose but catch the spirit, and read, conversed, and reflected with him. The time that was not given to his profession was quickly absorbed by general studies and by social duties, which were always cheerfully and thoroughly performed. Students of law repaired to Worthington for instruction, and lived in Mr. Howe's family. The writer once asked one of these

students what could have been the occupation of their teacher in so retired a spot. "Occupation!" said he; "he studied continually; he was never weary or dull, — always fresh, keen, ready for new exertion, — a most devoted student." Unlike many students, however, Mr. Howe did not deny himself to his family, or grudgingly give them a little of his time. To his household and to his friends he devoted through life a large portion of his valuable hours as their due, maintaining with the absent a frequent and regular correspondence, and sharing with the family circle, so far as practicable, his intellectual enjoyments. He writes, — "We shall not be inclined to complain of solitude while we can enjoy together the society of Shakspeare and Milton and Johnson and Burke." We might write much, from the best authority, of the beautiful spirit that reigned in the household; but though the temptation is great, we must restrain our pen.

A little outward variety was secured by occasional journeys, one of which extended into Canada. A journey at that day was an event. It afforded abundant leisure for the observation of nature and of life, with many an excellent opportunity for conversation, whilst the difficulty of reaching friends made long visits and familiar in-

tercourse seem all the more suitable. These long journeys were often fatiguing enough, and weary indeed must have been the days and weeks which the traveller to some scene of affliction must spend upon the heavy road. And yet there is a vast deal which attracts one in the way of life now become obsolete through the rapid changes of these last few years. As is always the case, we know little about it save what is pleasant. Railroad stations are too new to have gathered about them the delightful associations which belong to the village inn, the goal of a long day's journey. The steam-ship and the locomotive are highly poetical, and their mad speed harmonizes well with the hurry of our times; but all our pleasant images cluster about the good bark with snowy sails, and the fleet horse, whose shoes, like those of the animal ridden by the fugitive Charles Stuart, had been set, as the stanch Puritan smith discovered, in four several counties!

Mr. Howe entered at once into a comfortable livelihood, and saw no reason to regret his early marriage. At the close of his first half-year, he recorded the following prayer: — "I pray that the improvement of my prospects may have no other effect upon me than to increase my gratitude and dependence upon the Giver of every good

gift. May I use properly every thing which is given me to dispose of here below!" But it was not the will of the Heavenly Father that the beloved wife whose home he labored to make happy should continue with him in outward presence. A dark cloud descended upon his dwelling; on the 25th of June, 1811, Mrs. Howe died very suddenly, leaving an infant of a single day, their second child. The blow was heavy indeed, and all unlooked for. In that deep retirement, obliged to separate himself immediately from his children, he met the distressing bereavement, — met it in a Christian spirit, though the letters of the sufferer are painful to read, notwithstanding the manly fortitude and quiet resignation which pervade them. He felt that, for his children's sake, he must work on in sorrow and bide God's time. In the autumn of 1813 he was again married, and found in the lady who now lives to cherish his memory and mourn his loss a most faithful friend and devoted mother of his children.

At this time the more active minds in the eastern part of our Commonwealth were earnestly occupied in religious investigations, and many Christians, who were unwilling that this branch of the Church of Christ should be for ever enslaved to the theology of Calvin, found themselves obliged to

separate from their brethren in order to enjoy common religious privileges. The hour for the Longer and Shorter Catechisms had come. Their dogmas, though faithfully taught along with the Bible in the public schools, had been outgrown, and as soon as zealous adherents to these opinions insisted upon making them the tests of Christian discipleship, the churches were violently rent asunder, and ministers of the Gospel, instead of occupying together, as they always ought to have done, the great Christian platform, became "Orthodox" and "Liberal."

This was not, as some pretend, a contest between belief and unbelief, nor did it grow out of a sect-spirit; it was not a struggle to establish a set of opinions called Unitarianism above another set of opinions called Calvinism; it was a movement in favor of a Bible Christianity, whatever that might prove to be. We believe that impartial history will show that Freeman and Channing and Willard and Ware and Buckminster and Thacher were as far removed from sectarianism as ever mortal man were, — that they were not in any strict sense Arians or Socinians, least of all Belshamites or Priestleyites, — that they held the substance of great Christian truths as they were held in early days, before even what is called

the Creed of the Apostles was framed, before Arius and Athanasius lived and taught. Honest-minded men could not go along with the Catechism. The writer of these pages recalls, in this connection, a conversation upon this movement, held with a plain, clear-minded, warm-hearted farmer residing in a part of our Commonwealth where external liberalizing influences are very sparingly enjoyed. "My father," said he, "without communicating with any one upon the subject, took the Catechisms and the Bible and studied them in connection. He followed the references through and through. He sincerely wished to know whether the ministers who urged these formulas upon him taught God's truth. He was surrounded by zealous Calvinists, all his prejudices were in favor of Calvinism, but he kept to his task with manly honesty, and satisfied himself at length that Christianity and Calvinism are fundamentally distinct." It is said that men, women, and children in our day are actually reading these Catechisms again: let them be read as that farmer read them, — with intellectual honesty and with a high and spiritual purpose. They may be galvanized into spasms; they will hardly be raised again to life.

Mr. Howe, though never a bigot, was found

during the earlier part of his life on what was called the Orthodox side, and was sufficiently interested in the subject to express a good deal of concern when the lady with whom he was connected by his second marriage made known her Liberal tendencies. Mrs. Howe, being satisfied that the root of the matter was in him, quietly refrained from agitating the subject; and in good time, about two years after, it was brought to his notice again by his intimate friend and classmate, Mr. H. D. Sedgwick, for whom he always entertained the highest regard. He obtained from him Yates's Answer to Wardlaw, which was carefully read in connection with the New Testament. The subject was faithfully pursued in other directions, and another mind was emancipated from the Calvinistic theology.

Mr. Howe had been a religious man before, a man of high spiritual and moral purposes; but now the whole matter of the Christian life came to him with new meaning and beauty, he read the Scriptures with fresh interest, his spirit rose as if a burden had been lifted from it, and, by joining the church at Deerfield under the pastoral care of the Rev. Dr. Willard, he publicly consecrated himself to the Gospel. This step was taken in the course of the year following that which the

conference with Mr. Sedgwick made so eventful in his religious life. There was neither foolish haste nor unwise delay. The avowal of Liberal views must have exposed him to a great deal of obloquy; but whilst it is shameful to inflict martyrdom, it is not manly or dignified for those who suffer it to boast of their endurance. Mr. Howe never would have done this for himself; we shall not do it for him.

The following passages, selected from many similar, and contained in letters written before his change of religious sentiment, indicate the sober and meditative cast of his thoughts.

"I think the balance of evidence is against the idea, that our being is suspended from death until the general resurrection. Death would certainly lose half its terrors, if we believed that the moment we were called to part with all we held dear here below would restore us to all we had lost, in another and brighter world."

"Instead of becoming feeble and insignificant by trusting in God, we grow strong in his strength and wise in his wisdom."

"The means of happiness are often mistaken for happiness itself. Those who indulge themselves in style and equipage take more pains to make the world believe that they are happy, than

they do really to make themselves so. When we abandon the former object, and direct all our attention to the latter, success is the never-failing consequence."

After a residence of thirteen years at Worthington, Mr. Howe removed with his family to Northampton. He left Worthington with pain. The place was endeared to him by many pleasant and by many sadly pleasant associations, but the interests of his young family imperatively demanded a change, and he had chosen for his new home one of the loveliest spots in all New England.

These thirteen years at Worthington offer many an example to the young man just entering upon the duties of active life; this especially, that he ought not to strive so much to gain a commanding position as to do a commanding work. Only let one have something to say, and he will hardly lack hearers; they will come in due time. Only let one have weight, and the true balance will be sure to indicate it. In order to live and labor, one need not live and labor in a crowd. Only be sure to work, and you will work your way out in good time, if you are not well enough where you are. During Mr. Howe's residence at Worthington, he amassed the larger share of that legal learning which gave him such prominence in his

profession, whilst, at the same time, he enlarged and enriched his mind by the pursuit of general literature, especially interesting himself in the accumulation of significant facts, facts of human life, under its numberless aspects and as exhibited in various ages, regions, and climes. In this he manifested an appetite which has been a prevailing characteristic of all healthy-minded men.

In November, 1820, Mr. Howe established himself in Northampton, having formed a business connection with Hon. Elijah H. Mills, an eminent lawyer and Senator in Congress. In June of the following year he was appointed, under the new organization of the courts of the Commonwealth, a judge of the Court of Common Pleas, — a trying situation, because the order of things was new, and the friends of the old judges were dissatisfied. But the respect and kind regard of the disaffected were soon gained. In the autumn of 1823, a flourishing law school was established in Northampton, under the auspices of Judge Howe and Mr. Mills, and not long after the Round Hill school for boys, quite famous in its day, went into operation.

We do not know where a village could have been found to compare with Northampton in natural beauty and in all the fascinations of a cultivat-

ed community. Its society, long distinguished for refinement and an elegant hospitality, was at this time singularly attractive. The corps of instructors connected with the Round Hill school embraced some of the finest minds in our country, — men who have since gained a wide and high reputation in science and letters; and with these were often joined foreigners of distinguished scholarship and polished manners. The institution was far better furnished than many a university, and there was a magnificence in all the appliances and equipage which was as fascinating to the beholder as it was ruinous to those most interested in the establishment. The law school attracted to the village many young men of ability, spirit, and high culture, and in a short time could boast, besides such gifted instructors as Mr. Mills and Judge Howe, the accomplished John Hooker Ashmun, whose premature death robbed the world of a most wise, pure, and gentle man, leaving, however, what is no trifling legacy, a very fragrant memory and a very quickening example. Of his intercourse with his pupils, Judge Howe was accustomed to say that he was the gainer by it as much as they; it afforded most excellent opportunities for investigation, both as to precedents and principles.

Prominent amongst those who gave to Judge Howe a hearty welcome was one whose name will long be remembered with the utmost reverence and the warmest love by all who were privileged to know him. We refer to Judge Lyman. We shall give him no more specific designation than this, for he needs none. To many, many hearts these are charmed words. They call up the image of one, the manly beauty of whose person was but the fit expression of a most noble soul; they recall a man singularly gifted and singularly faithful, — a thinker, clear-sighted, yet reverent, — a lover of religious liberty, yet only for the pure Gospel's sake, — a devoted friend, — a self-sacrificing philanthropist, — an ardent patriot, — a man diligent in business, yet ready to meet the largest demands of every hospitable office, — a cheerful giver, — one who made virtue venerable and lovely by the uniform dignity, grace, and courtesy of his manners and by the sweetness of his speech, — a man whose moral and social qualities so occupied attention, that we could hardly do justice to a very wise, discriminating, and cultivated intellect. The beautiful light of his life has gone out from this world; it is our consolation to believe that it shines brightly in the heavenly world. Remotely related to Judge Lyman, closely connected with

him by marriage, and more closely joined to him in spirit, Judge Howe found a most devoted friend, even to the closing hour.

We come now to one of the most important events in the life of Judge Howe; we refer to the prominent part which he felt called upon to take in the separation of the Liberal Christians of Northampton from their Orthodox brethren. We shall pause a little upon the matter, not for the sake of stirring the embers of an old controversy, but in order to bring again into light the high ground taken by Judge Howe in the movement, and to pay our humble tribute to what must be regarded by every one as a very high-toned liberality. Moreover, the condition of things in Northampton at that time is not unlike the condition of things in very many places at the present time. We confess to a great anxiety to free our denomination, so far as can honestly be done, from the charge of sectarianism, and here was an enterprise deliberately commenced, not in sectarian heat, not in the pride of opinion, not with any exaggeration of mere individual peculiarities of thought and feeling, but with a sober and single regard for the principles of Protestantism and of Christian liberty, and in a peaceable spirit which was ready to sacrifice every thing but the truth.

The Liberal Christians of Northampton formed a very considerable and highly respectable portion of the community, and church-fellowship had been expressly extended to them. They had no desire to separate themselves from those who were willing to acknowledge them as brethren, but offered to sustain what was called an Orthodox ministry, upon the condition that Liberal clergymen should be occasionally invited to occupy the pulpit, by invitation or by exchange. On the occasion of the settlement of a colleague pastor in 1824, this condition was insisted upon. The candidate was questioned as to the matter, and was understood by the Liberal party to be entirely inclined to the course which they proposed, provided only the consent of the town could be obtained. In the meeting of the town, the subject was distinctly brought up, and, for the satisfaction of the Liberal portion of the inhabitants, the following preamble and vote were unanimously adopted : —

" Whereas, it is well known that there are many members of this society whose religious sentiments differ from those of their present pastor, but who are desirous to preserve the spirit of unity in the bond of peace, and are willing to concur in the settlement of a colleague whose religious sentiments are different from their own,

"Therefore, voted unanimously, That this society are willing that the colleague who may be settled with us, in pursuance of the vote passed in November last, should exchange with or invite to preach in the desk any pious clergyman of any denomination of Christians."

Of this vote the colleague, now elect, was distinctly apprised. To us it seems a remarkable step for the descendants of a congregation to which Jonathan Edwards ministered. It helps to show, that, when an issue is distinctly joined between conservatives and the party of progress, the chance is in favor of the latter if its members are only anywhere within reach. The Liberal Christians had already, by securing church-fellowship, emancipated the people from the creed, and they had now, as they supposed, emancipated the minister. But they had only seen the fair morning; a cloudy day was before them. The new clergyman, on whose sympathy, as appears very clearly from the "Statement of Facts" put forth by Judge Howe, they had every reason to count, so declined an exchange with a neighbouring clergyman of Liberal views, the late Dr. Peabody of Springfield, as to leave no doubt that he believed it to be his duty to comply with the wishes of the strict party.

It was a sad disappointment. We will not, at this distance of time, judge him who was at the least the occasion of it. We cannot say how the matter may have appeared to his mind. He was then a stranger in Massachusetts, unacquainted with the opinions and feelings which were agitating so many minds, unaware of the magnitude of the concession to Liberalism involved in the vote above quoted, and continually subjected to conservative influences. We are inclined to believe that he was sincere in his original promises, which were certainly most unqualified. At all events, the Liberal Christians failed to attain their end, and appealed for redress to the town. Most unhappily, Judge Howe was prevented by illness from advocating the cause of religious freedom, and the strict party carried the day, the eloquence of one of the ablest and sweetest speakers* whom this Commonwealth has ever boasted contributing greatly to the result. And so, of necessity almost, a new society was formed, and the bond of peace was broken, not, we trust, for ever.

We are inclined to believe that the wisest course for the Unitarians of Northampton would

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* Hon. Isaac C. Bates, late United States Senator from Massachusetts.

have been to content themselves with church-fellowship. The course which they proposed for the pulpit would have made it virtually a Liberal pulpit, and, although things must in the end come to this or recede to Catholicity, the movement was premature. But one can very easily give advice after the event, and the unanimous vote of the town was fitted to encourage enthusiastic expectations at that time. And we must express a deep sympathy with the large-minded and large-hearted Christians, who, after such encouragement, failed to obtain what they had every right and reason to hope. By most honorable means they had sought to realize a high purpose. They strove to honor truth, whilst they avoided schism. They sought to be at peace with their Orthodox brethren, whilst they bore testimony for a faith much spoken against. The separation, when it came at last, was a sad alternative, as every religious separation should be.

We venture to insert a few of the closing paragraphs of the "Statement of Facts" put forth by Judge Howe, because they so well express the strong reasons for separation which then existed and still exist.

"The name of CHRISTIAN is dear to us, in common with all the followers of our blessed Lord.

That we should be patient under any attempt to rob us of it, we think could hardly be expected. If this reproach were bestowed on us individually, it might be borne with patience; but when it is bestowed upon our friends and the faith we profess, it would be treachery to our principles to submit to it, and especially to support and uphold those by whom it is bestowed.

"The vote of the church directing the pastor to invite to the communion-table members of other churches, without distinction, manifested a noble, catholic spirit, and the vote of the town upon the subject of invitations and exchanges, so contrary to the predictions (not the wishes) of some of the Orthodox, evinced a regard to the rights and feelings of others which will ever reflect the highest honor upon them. How they understood the proposition submitted to them, and what they intended by the vote they adopted, we cannot doubt for a moment. The question is not what the town wish, or what the Liberal party desire. It is whether the pulpit shall be under the control of the society, or whether, against their wishes, it shall be closed at the pleasure of the strict party. . . . . .

"We have felt it due to ourselves that our motives and our conduct should be fully explained.

The total failure of our attempt to keep the spirit of unity in the bond of peace is a bitter disappointment; but it becomes neither Christians nor men to cry 'Peace! peace! when there is no peace,' and we hope we have expressed our disappointment in a spirit of Christian candor, and without violating 'the new commandment' of our blessed Lord, 'to love one another.'"

It was a matter of extreme surprise to the Orthodox of that day, why devoted and sincere Christians could not be satisfied with what their creeds offered to them as Christianity. The dissatisfaction of men so sincerely religious should have induced them to examine more thoroughly the Scriptural grounds for their exclusive faith. Devoted and sincere Christians never separate themselves from their brethren, so long as they can consistently remain united with them. Many of the Orthodox of our day very well understand, and are free to confess, that the Unitarian movement was necessary, and that, if not needful now, this is because the good leaven has been cast into their own midst, and will in due time work out all the good that Unitarianism proposed. "No doubt," says an Orthodox writer in the Quarterly Review, "it is the inevitable tendency of these extreme Calvinistic opinions to produce a

violent revulsion. Calvinism is everywhere the legitimate parent of Unitarianism. . . . . In truth, the one leading thought throughout that school of powerful, eloquent, and in justiee we cannot but add deeply devotional American writers, Channing, Dewey, Norton, is the abnegation of Calvinism."

To every bigot for the old theology we would put this single question, — Why could not this old theology retain a man of high intelligence and true piety, sueh as we know Judge Howe to have been, — a man bred in its schools, taught in its catechisms, surrounded by its influenees, with no single moment to spare from engrossing public serviees for seetarian strifes? Why did he leave the majority for the minority, after patient study and mature reflection such as few men have the capaeity to bestow upon the subjeet? We eonfess that we are glad to read so worthy a name in the catalogue of Liberal Christians. It is not the testimony of station that we prize, but the testimony of a wise mind and of a warm heart.

But it was not the will of God that Judge Howe should long enjoy the religious privileges for which he had so faithfully struggled. His constitution was never firm, and from boyhood his intellectual ardor had carried him far beyond his

strength. He pushed the study of his profession to the utmost verge of his ability. Books of law often found their way to his office in the country, from beyond the sea, sooner than they were obtained in the law-offices of city practitioners. "I have heard him," said Chief-Justice Parker, "discuss questions which agitated the English courts, before they were generally known here to have been mooted." The duties of instruction, as he performed them, were very exhausting, yet he did not decline other cares, but maintained a lively interest in the cause of general education and in every good work; he was the friend of the sick and the bearer of religious consolation to the bed of death. His aged father died in 1826, and from the commencement of the year 1827 his own health sensibly declined. Through life he had been afflicted with most exhausting headaches, — indeed almost every effort at the bar was followed by suffering of this sort, — and this year began with violent attacks, from which he did not recover so thoroughly as at former times. During this year a slight difficulty of breathing first showed itself, originating in a cartilaginous formation in the windpipe, which from the first was beyond the reach of human skill. These last days in his earthly home were not without their premonitions

to Judge Howe, and he seems to have been persuaded that his end was at hand. The current of many of his thoughts is apparent from a dream, which made a very deep impression upon him.

He seemed to stand upon the piazza of his dwelling, his new home but lately erected, as he had hoped for a pleasant and permanent abiding-place, where the hearth-fire might be kept burning, and into which his children might be gathered about him, for many happy years. This beautiful residence, a monument to his elegant taste, quietly reposes at the foot of the shapely eminence which crowns the village. He looked out upon the glories which from that spot meet the eye at every turn. The sun shone out resplendent, and poured his beams aslant upon mountain and meadow, and the modest village, almost buried under its gigantic elms. The shadows stretched out in huge lengths before him, for the day was far spent. Presently, as often happens in that valley, there rose a heavy mist and obscured the whole landscape, and sent a chill to his heart. But the darkness and the cold were only for a moment. Soon the mist disappeared, and the sun sank to rest in that wondrous glory which, like the bow in the clouds, the kind Father seems to have appointed to cheer and reassure our hearts in this

world, where so many must be afflicted and where all must die. He awoke, and behold! it was a dream; but his inmost, prophetic soul said to him, So shall it be with thee! — and so it was. To this dream he alluded upon his death-bed.

In the month of December, Judge Howe left his home, in company with his wife and their infant child, to preside over a court in Worcester. This proved to be his last labor. An unusual pressure of business detained the court until Thursday of the third week. During the following night, Judge Howe was completely prostrated by a profuse hemorrhage, but rallied sufficiently to travel a part of the distance to Boston on Wednesday of the succeeding week, and, after his arrival in Boston, remained tolerably comfortable during the remainder of that week. On Monday he was much more ill, and continued in a condition of great suffering for twelve days, almost without power for continuous thought or attention; and it was soon but too evident that his case was hopeless, though affection clung to hope almost to the last.

About nine o'clock of Saturday evening, he was aroused from a state of partial stupor by the arrival of Judge Lyman. Then the mist cleared away, and the light of his soul shone out most

gloriously during what proved to be the closing hours. Of these closing hours we have read many most touching descriptions from the written and the printed page, and without doubt, even at this interval of time, many persons retain a vivid remembrance of the scene ; but we cannot refrain from presenting it again, in the hope that the lesson may fall under some eyes which else would not read it. And we are the rather inclined to dwell upon the hour of death, because the spirit which adorned and ennobled it animated the whole life, — because it did not stand out as an exception, but entirely corresponded with all the rest of his days.

He began with prayer to God that he might have strength to meet the duties and trials of the hour, and then, taking the hand of Judge Lyman, whom he called "the best friend any man ever had," his soul seemed to overflow with gratitude, and he numbered up his mercies with thankful acknowledgment. "There seems," he said, "to be a most happy combination of circumstances at this hour, — the coming of my friend, Mr. Lyman, the sight of my dear son, the best medical advice, and the comforts of a devoted brother's home all lavished upon me : these last especially move my heart to gratitude. God's blessing rest upon him

who has been more than a brother to me in my feebleness!" And then he passed to some sober words of religious trust, and to some thoughtful and kind suggestions with reference to his worldly affairs. "My confidence," he said, "is in the mercy of God, as revealed in the Gospel. O, my confidence in God at this hour is worth more to me than riches, or honor, or any thing else that this world has!" He said that he had not been without a deep sense of the responsibilities which pressed upon him, and that he had been surprised at his success, at the clearness of his decisions, and the absence of mental wavering. This power he regarded as an answer to prayer. He trusted that he had been conscientious in the discharge of his public duties; but he added, "Thou, God, knowest!" Heaven, he said, had ever been regarded by him as the abode of those who cultivated their moral and intellectual powers to the greatest advantage, and that to do this had been his aim. "I consider human happiness as exactly measured by the amount of happiness which we are able to confer upon others." With the greatest collectedness of manner and the method which had ever characterized him, he gave a few simple directions about his worldly affairs, and commended his household to the God of the fatherless and

of the widow. He hoped to have made full provision for them in peeuniary matters, but God had otherwise ordered it. To each of his friends who were present he addressed words of affection or of disinterested eounsel, pouring out, for the last time on earth, the tide of his full, warm heart. And then praying again, partly in the words whieh our Lord hath taught us, and expressing again his faith in the religion of Jesus, he passed away.

We have given many of the last thoughts, and some few of the last words, of this good man; but it was the spirit that pervaded all, and even beamed out from his ealm face, that made the ehamber of death holy and blessed and peaceful. His friends felt, as for more than an hour he thus uttered himself to them, that the heart spake,—spake beeause it could not be silent. The throbbings of anguish ceased as the sweet, eloquent words fell from his lips, and tears eeased to flow. Those who were gathered about the bed of death seemed to be translated for the moment with one whose soul, just ready to take its flight, brought heaven and earth together. It was a spontaneous outpouring from the heart, and it eould heal the wounds of the heart. Thankfulness and hope for the moment prevailed over deep grief, and, in dying as in living, the departing spirit blessed and

strengthened his friends. A widow and six children remained to mourn his departure.

Judge Howe was buried where he died, in the city of Boston, with every fitting honor, the members of the Suffolk bar, to whom Chief-Justice Parker addressed a very eloquent discourse upon the services and character of the departed, following him to the grave. And so, after an all too brief sojourn of forty-three years, the wise and faithful man passed from our sight. When such men die, we can hardly doubt whether the soul is immortal or no. Only a negative answer can be given to the question, Would God, the life-giver, extinguish such a life?

We must turn now to the blessed legacy that remained, — the character, the example, the cheering, quickening remembrance, still fresh in the minds of many friends, of work well done, of a life well spent.

To the character of Judge Howe as a public servant, as a jurist, as a friend, and as a Christian, the most ample and delightful testimony was promptly borne by his brethren of the legal profession, by his attached pastor, and by many friends in all the walks of life, — his pupils, amongst the rest, not failing to express their high sense of his devoted services. But it is a sub-

ject to which it is good to return. His was a memory that should be kept fresh and green, and his example may be the more widely valuable because his distinction was not that of brilliant genius, startling with its inspirations, but the pre-eminence of well-balanced and faithfully developed talent. Nature had doubtless done much for him, but he, on his part, had faithfully seconded her efforts, and one of his best gifts was the power of close and long-continued application, which will always be numbered amongst the chief elements of distinguished ability.

Judge Howe was characterized from the beginning by a large mind, capacious enough to embrace the many sides of the subjects that presented themselves to his attention. In thorough, complete investigations he loved to exercise himself, and, unlike many who are able to take comprehensive views, he was singularly free from indifference, or a want of confidence in our ability to discover, at least, a valuable portion of truth. He was an Eclectic without being a Pyrrhonist. Unlike too many who profess to find truth everywhere, he did not end in finding it nowhere. He did not exhaust the whole power of his intellect in weighing objections, difficulties, and negations. He had none of that morbid feeling about testi-

mony which places all history in doubt, and will have it that either there are no facts, or that nobody can say what they are. A very retentive memory rendered the accumulation of the materials for thought comparatively easy, so that glowing iron was never lacking in the furnace or upon the anvil. He wrought without ceasing. There was no moment during which rust could even begin to accumulate. His mind was mainly exercised upon his profession, and yet he was well aware that no man who knows but one thing can know that one thing thoroughly, and, for the sake of his profession as well as for the love of good learning, he took a wide range in his studies, and had cultivated no mean literary taste. As every man must, whose professional labors are exacting, he occupied himself chiefly with models in literature, and loved to read Shakspeare and Milton again and again, rather than to sacrifice intrinsic value to a craving after variety. His experience in teaching was invaluable to him, and he continually surprised inquirers after legal references by giving them from memory the exact volume and the very page.

If to all this we add a conscientious regard for truth and justice, and an ardent love of his profession, we shall not be surprised to learn, that, "be-

fore he had fully reached the meridian of life, he was acknowledged by those that best knew him to have few equals in his profession."* As a judge, he won golden opinions from all. Clear, exact, methodical, quick to perceive, vigorous to despatch, patient to investigate, eager only to reach the truth, always impartial and always courteous, devoted to his work, he could not fail to satisfy the members of the bar and all concerned with him in judicial transactions. He was dignified, yet kind and simple, and his relations to the different parties in the court-house were rather friendly than formal. He believed that there are limits to individual responsibility, and was free from that morbid conscientiousness which would hold every man accountable for every thing. He felt that he sat upon the bench, not to make, but to expound law, yet he was the fast friend of liberty and progress, and one of the first to insist upon the importance of reforming as well as of punishing criminals. He was a man upon whom humanity could have relied in the darkest hours. "He reverenced authority," wrote his friend Sedgwick, — as indeed a lawyer is bound to do, — "but he loved truth." He always aimed at principles.

* Judge Williams.

When it is considered that he owed nothing whatever to patronage or favorable circumstances of any sort, and that he was never a very brilliant or showy man, his early success is sufficient evidence of his iron industry and indomitable energy. He did the work that was given him to do so well, with such a patient, masterly hand, let the labor and the reward be ever so trivial, that the great tasks of society came to him as a matter of course, and there can be no doubt that, had his life been spared, he would have steadily risen to a proud eminence. "Already," said Judge Williams, "the public sentiment seemed to have designated him for a higher judicial station, where his merits would have been still more conspicuous, and the sphere of his influence still more extensive and permanent." Let all young persons who cherish a worthy ambition attentively consider his steady upward way; let them observe that he knew nothing as a trifle, — that he called no useful work mean, — that he stood in his lot where God placed him, and never mistook notoriety for fame, and never feared lest he should not pass for his full value. He sought learning, and not merely a reputation for learning, — the wisdom that would deserve and worthily fill a station, and not the mere station itself, — and his well-directed efforts found their reward.

But we are most concerned to direct attention to the moral and religious qualities of this eminent man. It does one's soul good to turn to these, amidst so many melancholy examples of perverted talent, to know that here was a man truly wise, — a man truly conscerated, — a man guided by the great God above us, — a man filled with a pure, strong faith in truth and duty and heaven, — a man verily persuaded that the good tidings which are by Jesus Christ are worth more than riches and fame, and that His life is the world's best treasure. How does such a sober, well-ordered, minutely faithful Christian life contrast with the reckless career of many a gifted and, as the world says, honorable man! Goodness must be joined to greatness to call forth, what is more than our admiration, our reverence and love.

Judge Howe showed "piety at home." He found there his first duties, as well as his purest joys. Every morning the sacrifice of family prayer was offered to Him who is the Light of our dwellings, and the devout spirit that blessed the first hour blessed every succeeding one. It was first love to God and then love to the household, — a love that asked, How much can I do? not, How little will serve? He preferred his own fireside and the quiet intercourse of familiar

friends to what are called the pleasures of society, the fashionable amusements of the world, and yet he did not lay down rules for others in such matters, and was far enough from a Pharisaical dread of innocent amusements. For the sake of his family, he was minutely economical in all his expenditures. By contracting his personal wants, he was enabled to provide well for a large family and maintain a hospitable home, and leave a portion for those who survived his early death. Prudence with him was founded upon principle, — it was a part of his faithfulness. In these days of reckless extravagance and unauthorized luxury, economy is a trait worth dwelling upon.

We need not say that in his intercourse with the world, in the performance of his various duties to society, as a neighbour, as an advocate, and as an expounder of law, Judge Howe sought to be guided by conscience. He was a disciple of James as well as of Paul, even as they were both disciples of Christ, and he believed that by works a man is justified, and not by faith only. Recognizing the claim of society upon every competent man for labors which are not included within the common departments of activity, he took a deep interest in the education of the people. The public school he regarded as second in importance

to none of our institutions, and we may add, that, at the time of his death, he was a trustee of Amherst College, under the appointment of the State.

Knowing what sacrifices he made for the sake of public worship, and how much he prized an intelligent and faithful ministration of the Gospel, we shall not be surprised to learn that he was constant in his attendance at the sanctuary, and carried thither not merely the outward presence, but his mind and heart. He had formed a high standard of pulpit services, and earnestly desired that every facility for improvement should be afforded to the clergy. For this, as well as for the sake of liberality, he labored to secure freedom and frequency in ministerial exchanges. Of the peculiar type of his religious views we have already given an account, and we will only add, that, whilst he was deeply interested in the form of Christianity which commended itself to his best reason, he was not insensible to the danger of attempting any violent and sudden revolution in religious opinions, and was ever the advocate of moderate measures, — striving rather to build than to destroy, and to give more than he took away.

We have endeavoured to call attention to some of the features of this rare character. Had it not been so exactly balanced, our task would have

been easier, but far less profitable. Striking characters are more common than complete characters. Without undergoing any of the painful processes of self-culture, without labor and self-denial, we may succeed in startling the world, in outraging its prejudices, and, it may be, in breaking its slumbers. But the most blessed and the most abiding influences proceed only from those who strive, in all soberness and with unceasing care, to hold the balance even within their own souls.

These facts of human life are affectionately presented to every susceptible mind, especially to those whose characters are all unformed, in the hope that they may increase the desire for Christian excellence, — in the hope that they may help a little to outweigh the world in a very worldly age. The purpose of the writer will have been accomplished, if these few unpretending pages shall lead any minds to more earnest meditation upon the things which are true and lovely, and to a vital, operative faith in the Son of God.

[The following Letter, from the former pastor of the First Congregational Church in Deerfield, Mass., was addressed to the author of the previous Memoir, in reply to some inquiries which he had made. The writer enjoyed the best opportunities for becoming acquainted with the character of his parishioner, and his testimony is very valuable. Moreover, it will afford great satisfaction to many to hear again from a devoted servant of Christ, whose labors in his Master's vineyard have been so abundant, and who has never failed, though long since smitten with blindness, "to do what he could" in the cause of Christ and of humanity.]

Deerfield, *October* 23, 1849.

My dear Sir,—

In the history of the wise and good, it has been a rare thing for so many encomiums and lamentations to be drawn forth by their departure from this life, as were produced by what is generally regarded as the premature death of the late Judge Howe. For some ten or fifteen years he had been known and honored in the western towns of Massachusetts as a candid and able advocate at the bar, and in the capacity of

judge, in which he afterward acted, he occasionally visited most, if not all, the other counties in this State, and became known, not only to the members of the bar and others who had business in our courts, but to many of the clergy, of whose society he was fond. Hence, at the time of his death, he was honorably noticed, not only in our principal periodicals, but in sermons preached in different places and afterwards published. Still, there are comparatively few amongst those who are under thirty years of age who know any thing more of him than that he once lived and died respected and beloved. The present and the future, in our new publications, press so constantly on the attention of readers, that the past is in danger of being forgotten and disregarded by the multitude almost as soon as it is past. I am pleased, therefore, with the proposal to bring up anew the character of Judge Howe, as a happy illustration, if not an evidence, of the efficacy of that faith which, as we believe, was "once delivered to the saints."

The second marriage of Judge Howe, in 1813, led to my first acquaintance with him, which soon became intimate, and continued till the time of his decease. We and our families frequently exchanged visits, and as he and his wife were for

about eight years members of our church, they passed the Sabbath with us whenever they found it convenient to attend the communion-service, which, after their removal from Worthington to Northampton, they frequently did. I mention these circumstances for the purpose of showing what opportunities I had for learning his true character.

In order to give the character of Judge Howe its full and proper influence in its moral and religious bearing, it is of some consequence to consider how he stood as a *lawyer*, — how his mind had been trained, — what were his habits of thought and his intellectual attainments. In regard to these things, I suppose it to be an unquestionable fact, that he was deeply versed in the law, that his views were penetrating and comprehensive, and that his conclusions and decisions were candid, deliberate, and correct, in the opinion of the highest tribunal, being as seldom overruled as those of any judge on either bench. I well remember, that, in conversation with the Hon. Charles Jackson, he spoke of Samuel Howe and the late John Pickering as the fairest candidates for a seat on the supreme bench whenever a vacancy should occur. I think, however, that there was no vacancy on that bench till after Mr. Howe

was appointed a Judge of the Common Pleas, where his influence was afterwards found too important to be spared. So far as human authority, therefore, is of any weight in matters of religious speculation, Judge Howe seems fully entitled to such an influence. There is reason to believe that the conclusions he formed on these high subjects were the results of a candid and deliberate investigation, with a mind accustomed to comprehensive views and a vigorous scrutiny.

Judge Howe was born and bred under the common influences of the Calvinistic faith. His father was of that school. The same may be said of the Rev. Mr. Forward, under whose ministry he passed his early years, of the preachers he heard while preparing for college at Deerfield Academy, and of most, if not all, the public instructors in and about Williams College, where, indeed, the Assembly's Catechism, or something like it, was then a classic. Perhaps he was never an advocate for any of the Calvinistic doctrines, but he acquiesced in them for several years. I once inquired of him by what means his views had been changed with reference to the doctrine of the Trinity, and he told me that his first doubts were excited by hearing two men argue on the subject, and that his mind was less affected by the

strength of the arguments on the Unitarian side than by the *weakness* of those in support of the Trinity. He was doubtless surprised to find that the doctrine, which he had been taught to regard as the rock on which the whole Christian system is founded, was, after all, on examination, to crumble into sand and dust. His subsequent examination resulted in a thorough change of views. I do not mean that he embraced all the sentiments which are now held by most Unitarians, but that he discarded all the objectionable points in the Athanasian and Calvinistic creeds.

Judging, as we are taught to do, the tree by its fruits, there is reason to believe that Judge Howe, both before and after the change of which I have spoken, had something in his faith which produced the proper effect in his heart and life. He did not, indeed, make a public profession of religion until he had been settled in a family for several years. No one, I suppose, ever questioned his strict integrity. He was a pattern of candor, kindness, and generosity. He was eminently a *domestic* man. In all the pressure of professional business, he frequently, if not generally, spent a part of the evening in reading to his family such books as he thought would be interesting and improving. Such is the testimony of one who was

a member of his family about four years. Such was his industry and perseverance in what he regarded as the great business of his life, that we are surprised to see how much he accomplished in the intervals of such painful infirmities as would have rendered most others inefficient and inactive. Indeed, some of his duties which required a close and long-continued application of the mind were discharged under violent headaches.

After the change which took place in the religious views of Judge Howe, he could not associate himself with any of the churches in his neighbourhood, on account of their exclusive creeds. At the close of the year 1815, however, he became so much impressed with the duty of Christian communion, that, with his wife, he proposed to join the church in Deerfield, which was then the nearest into which they could be received, though at the distance of more than thirty miles by any comfortable road. They were accordingly admitted to that communion on the first Sabbath of 1816, and frequently attended church till the establishment of the Unitarian society in Northampton.

I do not know that I can better close this account than by referring to the mutual attractions between Judge Howe and the late Professor Frisbie. They met for the first time in the year

1821. Mr. Frisbie, in one of his vacations, was going to visit his mother and sister in Ipswich, and Judge Howe was on his way thither to hold a court. They rode in the same stage-coach, and by some means were introduced to each other, and fell into conversation, which continued during a considerable part of the journey and excited in them such a degree of mutual satisfaction and admiration, that each of them afterwards expressed to me his peculiar delight in the other. They were indeed kindred spirits, having many striking analogies both intellectual and moral. They were both independent in their judgments of persons and things, not allowing themselves to be controlled by any human authority in those things in which they were capable of forming an opinion for themselves. At the same time, they were both remarkable for their candor and the unassuming manner in which they conversed with others. They were alike in the quickness of their moral sensibilities, in their strict adherence to what they regarded as right, and in their high sense of honor, — that true honor which is founded in rectitude and generous feeling. Both were acute in their intellectual perceptions, and comprehensive in their views of every subject of inquiry and of contemplation. There were some diversities, in-

deed, in the character of their minds. Professor Frisbie seems to have had more of the poetic and imaginative in the composition of his mind than Judge Howe, though the latter, from nature or from cultivation, had a high relish for works of imagination and feeling. Perhaps, too, it may be said that Professor Frisbie had more of original intuition, and that the quickness of mental apprehension which was remarkable in Judge Howe was in a great measure owing to the discipline he had habitually given to his mind. It might, indeed, be expected, that there would be these diversities mingled with the analogies of their mental character, from the different circumstances in which they passed a great part of their years. Professor Frisbie, for about one half of his life, was unable to look into a book, and was obliged to depend in a great measure upon inward resources, while Judge Howe, with a full use of his eyes, had the power and disposition to derive from books whatever aid they could afford him in his high pursuits.

Yours, with esteem,

SAMUEL WILLARD.

NOTICES

OF

HON. THEOPHILUS PARSONS

AND

HON. ISAAC PARKER.

NOTICES.

The foregoing pages have been occupied with a brief memoir of an eminent member of the legal profession, whose devotion to religion was as conspicuous as his success in the pursuit of the law. Such testimony to the importance of our spiritual interests will have for some minds a peculiar value, because it cannot be explained as professional. It comes, not from the school, the cloister, or the closet, but from the world. And whilst those who devote themselves exclusively to the study of religion may well be regarded as best qualified to pronounce upon its evidences and its doctrines, yet, as they may be suspected of narrowness and of bias, it is well to look for Gospel witnesses beyond, as well as within, the limits of the clerical profession. We would not, indeed, submit the high spiritual truths of Christianity to the judgment of a sensual or a mere worldly mind; to such a mind they must be foolishness:

but there are conscientious intellects trained to health and strength in the affairs of daily life, whose religious opinions are well worth dwelling upon. We naturally ask, What have *they* thought upon the subject of religion, to whose wisdom and probity their fellow-citizens have intrusted fortune, liberty, character, and life, — whose constant occupation, perhaps, has been the weighing of evidence, an effort to ascertain the claims of justice? It is fair to inquire, Will the considerations upon which the teachers of religion are accustomed to rely bear a curious scrutiny, a thorough sifting, a trial of witnesses, the rough handling of the world? Is religion, in any degree or sense, a prejudice of narrow, unreasoning, timid, and over-sensitive minds? Are the commendations so often bestowed upon it by men in power and place merely formal, — uttered out of regard to prevailing public sentiment?

These and similar questions have already, in the preceding pages, received practical answers in the life of Judge Howe. It is the object of this appendix to present brief sketches of the religious life and opinions of two other eminent jurists, whose Christian examples were conspicuous in their day, and whose well-earned names may help to draw attention to the Gospel.

Nearly a century ago, in the year 1750, Theophilus Parsons was born in the parish of Byfield, within the ancient town of Newbury. His father was the elergyman of Byfield. Having prepared himself for college at Dummer Academy, in that plaee, under Master Moody, an honored and gifted teacher, he passed the usual undergraduate's course at Cambridge, and, after reeeiving his degree, in 1769, eommenced the study of law at Falmouth, now Portland. The conflagration of that place by the British eompelled him to return to his father's house, where he was so fortunate as to find the venerable Judge Trowbridge, the most learned New England lawyer of his time, under whose direction he laid the foundation of his own preëminent legal attainments. He afterwards eommenced practice in Newburyport, and terminated a most distinguished eareer at the bar by aecepting, in the year 1806, the appointment of Chief Justiee of our Commonwealth. His death was not so premature as that of Judge Howe, yet he did not reaeh the threeseore years and ten allotted for our earthly sojourn, but was taken away at the age of sixty-three, in the midst of a eareer of the highest usefulness.

The fame of Judge Parsons as a lawyer rests upon the highest authority. The late Chief-Jus-

tice Parker and Judge Story pronounced him, not only the man of his age, but the man of his century. Even those who were not his friends styled him the giant of the law. "He seemed," said Judge Parker, "to form a class of intellect by himself." He was deeply read in the "ancient books of the common law," and without a rival in the power of reasoning and in keen discernment. The most competent judges, speaking advisedly, did not hesitate to say that, had he lived in England, he would have been made Lord Chief Justice. Accustomed to pursue his legal studies far beyond the immediate demands of his profession, he was prepared for the most unexpected emergencies, and, by the promptness of his decisions, even exposed himself to the suspicion of rashness, — a suspicion which was soon changed into astonishment at the extent of his resources and the amount of his reserved power. We must add, that the studies of Judge Parsons were not confined to professional subjects. He found recreation in such extreme opposites as the higher mathematics and works of fiction. With one or the other of these, indifferently, he was accustomed to amuse himself. He was besides a good classical scholar, and quite a proficient in the Greek language and literature, the study of which, aban-

doned upon leaving college, he resumed at the age of forty. His mind was stored with that familiar and pleasant learning, those facts and anecdotes, which add so much to the enjoyment of social intercourse, and it was his delight to instruct and amuse others, especially the young.

In his public and private relations Judge Parsons was without reproach, — a man of high integrity and of warm-hearted kindness, a good father, and a devoted friend, as well as a patron of literature and a public-spirited citizen. That he had his faults is not, of course, denied, but they were not such as to interfere seriously with admiration for his great and good qualities. Upon these attractive qualities it would be pleasant to dwell at length, but our attention ought rather to be concentrated upon the precise points for the sake of which these few particulars have been brought forward.

Judge Parsons was a firm believer in the Gospel. His strong and thoroughly trained mind was entirely satisfied with its evidences, and this after no hasty examination. It is a fact well worth recording, that this highly gifted logician, this most eminent jurist, who had been employed for many years in sifting and weighing evidence, formed the project of subjecting the Gospel narratives

of the resurrection of our Saviour to strict legal tests, and, in pursuance of this project, carefully studied these narratives and compared them each with the other, as one would listen to different witnesses in a court of law, and endeavour, by combining and opposing their statements, to arrive at the truth. The result of this inquiry was an entire assurance that our Saviour did rise from the dead and manifest himself to his disciples. And this assurance, as was natural, expanded into a strong, rational Christian faith. For Judge Parsons doubtless felt that, if so central, fundamental, and vital a fact as the resurrection of the crucified Jesus from the tomb of Joseph could be well substantiated, the Gospel, with its miracles, its lessons, and its spirit, must stand. It may be added, that, in the opinion of this most able judge, the slight discrepancies in the several narratives strengthened rather than weakened the testimony, by setting aside at once the possibility of collusion, and by showing that each witness was an independent observer. Having subjected the faith inherited from his fathers to this thorough trial, Judge Parsons made a public confession of Christianity by connecting himself with the church on Church Green in Boston, then under the pastoral care of the late President Kirkland. In conver-

sation, during his last sickness, with the successor of Dr. Kirkland, the still lamented Samuel Cooper Thacher, he expressed a most lively faith in immortality, and distinctly referred to the assurance which he had gained from his thorough and formal inquiry. "Great men are not always wise." Here was one who had grace to find the true wisdom. Such an example is a sufficient refutation of that off-hand, superficial skepticism, which pronounces at sight against the evidences of Christianity, and insinuates that none but weak-minded persons can be satisfied with them.

We should be false to our doctrinal predilections were we to take no notice of the peculiar Christian views of Judge Parsons. His sympathies were with those who sought to "un-Calvinize" the Congregational Church of New England, and although, in his day, no very decided issue was made between the Liberal and the Orthodox portions of the community, there can be no doubt on which side he would have been found had he lived to see the lines fully drawn. His was one of the minds whose meditations and convictions could not be confined within the current catechisms and creeds, and his authority is as valuable as any human authority can be to justify dissent from these formularies. When

human interpretations of the Bible are put upon the same level with the Bible itself, it is reasonable to urge that many wise and excellent men have not been satisfied with these interpretations, and there remains after this the best and final appeal to the "law and the testimony." And here we must close this brief memorial, with the expression of a hope that it may do a little to quicken a Christian activity and to foster a Christian enthusiasm, especially in the mind of youth.

We would next direct attention to the late Hon. Isaac Parker, who took his seat upon the bench of the Supreme Court just before Chief-Justice Parsons was called to preside over its deliberations, and who was himself placed at the head of the court on the death of Chief-Justice Sewall, in 1814. He was born in Boston on the 17th of June, 1768, and passed from the public Latin School of the town to Harvard University, at the age of fourteen. His course as a student was distinguished by the faithful employment of his fine intellectual gifts, as well as by friendly manners and purity of character. After studying law, under Judge Tudor of Boston, he entered upon the duties of his profession in the town of Castine, in Maine. After having represented his

district in Congress and rendered service as United States Marshal for Maine, he was invited, at the age of thirty-six, to sit upon the bench of the Supreme Court of Massachusetts, — an appointment which, although it was at first declined, he accepted two years after. In this court he labored for eight years as Judge, and for sixteen years as Chief Justice, until death surprised him in the midst of his honorable and useful career. He died at his own home in Boston, after only a day's illness, on Sunday, the 25th of July, 1830.

These particulars have been taken from an admirable discourse, pronounced from the pulpit of the church in Brattle Square, Boston, by the pastor. To this discourse and to a brief notice of the deceased by Judge Story, we are indebted for our impressions of the abilities and character of this distinguished public servant.

Judge Parker, though sufficiently versed in the law, seems not to have been so remarkable for the extent of his legal learning as for his clear, rapid, and full perception of principles, and his singular felicity in the statement and defence of opinions. Distinguished early in life, he was a growing man to the last. His ever-enlarging mind kept pace with advancing station. Always abounding in labors, he never seemed to be overburdened, but was equal to

every occasion and elastic under the greatest pressure. A master of elegant literature as well as of legal science, his style was a model for method, propriety, fluency, and happy modes of expression. "His most striking characteristic," said Judge Story, "was sound sense, which, though no science, is, in the affairs of human life, fairly worth all, and which had in him its usual accompaniments, — discretion, patience, judgment." His mind seems to have been most happily constituted, at once for the deepest and most comprehensive investigations and for the effective communication of truth, and those whose opinion upon such a subject is reliable claim for him one of the very highest places amongst lawyers and judges.

But all this would not in the least advance the present purpose, could we not claim for Judge Parker the pure, peaceable, and beneficent wisdom which is from above, — could it not be truly said, that, "from first to last, his was a truly exemplary course." Those to whom he was well known can hardly satisfy themselves with commending his high moral qualities. They speak most earnestly of his pure and friendly heart, — of his unbending integrity and practical benevolence, — of his Christian faith and profession. Amidst his many public duties, he found time to

render good service in the great work of publishing and distributing the Scriptures, and presided over the Evangelical Missionary Society and the first Temperance Association. The cause of education also found in him a devoted and constant friend. Firmly persuaded of the truth of Christianity, Judge Parker made public profession of his faith by connecting himself with the church in Brattle Square, and as he believed he sought to live. The friend of the lamented Buckminster, he sympathized with him in the liberal tendencies of his theology, yet, with him still, he was as free from bitterness towards believers of a different order as from any want of confidence in his own views. He was, "from principle, sentiment, habit, and experience, a religious man." His penetrating and comprehensive intellect, so admirable for its sagacity, scope, and patience, was satisfied with the evidences of Christianity, and careful study of the pages upon which Christian truth is inscribed led him to prize and hold fast what are commonly known as Unitarian views. Those who share this doctrinal preference may well be allowed to attach special value to his Christian testimony and example. Let not Chief-Justice Parker be forgotten by those who have opinions and a character to form.

We might go on adding examples almost with-

out limit, some of them in attestation of the value and efficacy of our peculiar views of the Gospel, and some of them in support of that Christian faith which is common to us all. Of the former class, we may specify the elder and the younger Adams, father and son, true servants of God and of the people, whose fair fame is a glorious portion of our national inheritance; Samuel Dexter, the founder of the Dexter Lectureship on Biblical Literature in Harvard University, eminent alike for the accomplishments of mind and the graces of character; the venerable John Davis, late Judge of the Circuit Court of the United States, a man in whom professional learning and wide intellectual culture were blended with a rare simplicity of character and the steadiest religious faith; and the late Judge Story, the eminent jurist, the accomplished scholar, the true-hearted Christian. Of the latter class, we may mention Judge Marshall of our own country, with Sir Matthew Hale and Sir William Jones of our mother-land. But we must content ourselves with directing attention to these great Christian names, and with expressing the hope that the study of eminent Christian lives may help, under the blessing of God, to bring us into a closer conformity with that one perfect Life which is the best gift of the heavenly grace.